REMARKS

Claims 1-11 are presented for consideration, with Claims 1 being independent.

The specification has been reviewed and amended to correct minor informalities and improve its idiomatic English form. In addition, the abstract has been replaced to better set forth the technical features of Applicants' invention.

Independent Claim 1 has been amended to further distinguish Applicants' invention from the cited art. In addition, editorial changes have been made to selected claims, including Claim 1.

Applicants are submitting concurrently herewith a Submission of Replacement Sheets of Drawings, with Figures 14, 15 and 16 labelled as "PRIOR ART" as required by the Examiner. Approval of the replacement sheets is respectfully requested.

Claims 1-3 and 9-11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bessho '521. Claims 1, 2 and 8 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Ives '698. In addition, Claims 4 and 5 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Ives in combination with Shaw '866.

Applicants note with appreciation that Claims 6 and 7 are indicated as containing patentable subject matter. These claims remain in dependent form, however, as it is respectfully submitted that parent Claim 1 is patentable in its own right for the reasons discussed below.

Claim 1 of Applicants' invention relates to a microstructure comprised of a support substrate, a movable plate and an elastic support portion comprising a first section having at least one concave portion and second sections having no concave portions. As claimed, the second sections are arranged at both longitudinal ends of the first section and are

connected with the movable plate and the support substrate, respectively. The movable plate is supported by the elastic support portion so that it can be freely torsion-vibrated to the support substrate about a torsion axis.

The Bessho patent relates to an optical scanner that includes a torsion spring 5 stretched between sides of a frame 1, and a magnet 3. The spring 5 shown in Figure 31 includes spring portions 54d and 54e, fixing ends 54a and 54b and a magnetic holding portion 55c. As understood, the fixing ends 54a and 54b are secured to the frame 1, and the holding portion 54c secures the magnet.

The Office Action asserts that spring portion 54d is a concave portion and sections 54a and 54c are portions that are not concave. Unlike Applicants' claimed invention, however, the torsion plate 5 in Bessho does not teach or suggest, among other features, an elastic support portion that includes a first section having a concave portion and second sections having no concave portions, with the second sections arranged at the ends of the first section and connecting with the movable plate and the support substrate. As discussed above, in Bessho the holding portion 54c is not connected with the magnet 3, but rather forms a surface for supporting the magnet. As shown in the figures, the narrow portions of the spring (e.g., 54d and 54e) appear to connect with the magnet 3.

Accordingly, reconsideration and withdrawal of the rejection of Claims 1-3 and 9-11 under 35 U.S.C. §102(b) is respectfully requested.

The Ives patent relates to a microelecromechanical device that includes a substrate 116, a mass element 112, and a support beam 120. As shown in Figures 6 and 7, the

support beam includes a first beam member 124 and a second beam member 126. Cross-members 128 connect the first and second beams in a way that provides for voids 117 and 118 as well as a central unlabelled void within the support beam.

In contrast to Applicants' claimed invention, however, the support beam in Ives is not provided with a first section having a concave portion and second sections without concave portions and connecting with the movable plate and the substrate. As discussed above, the support in Ives appears to show three concave portions within the support beam.

Accordingly, reconsideration and withdrawal of the rejection of Claims 1, 2 and 8 under 35 U.S.C. §102(e) is respectfully requested.

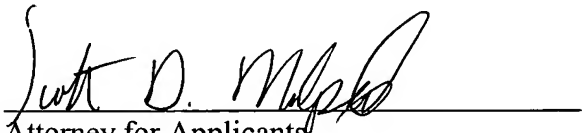
Finally, the secondary citation to Shaw relates to a microstructure and was cited for its teaching of a single crystal material. Shaw fails, however, to compensate for the deficiencies in Ives as discussed above with respect to independent Claim 1. Therefore, the proposed combination of Ives and Shaw, even if proper, still fails to teach or suggest Applicants' invention. Accordingly, reconsideration and withdrawal of the rejection of Claims 4 and 5 under 35 U.S.C. §103 is respectfully requested.

It is therefore submitted that Applicants' invention as set forth in independent Claim 1 is patentable over the cited art. In addition , dependent Claims 2-11 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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